THE PRESENT SITUATION IN ILLINOIS

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Any intelligent discussion of the present situation in Illinois, with regard to child labor, must necessarily be prefaced by a brief retrospect and a comparison between present and past conditions.

While the Illinois Child Labor Law, by reason of the excellence of its provisions and the beneficent results accomplished under its enforcement, is generally known to students of the Child Labor problem, it would seem advisable at the outset to briefly recall its more salient features. The present Child Labor Law, which became effective July 1, 1903.

(1) Prohibits the employment of minors under the age of fourteen years.

(2) Abolishes night work for all minors under the age of sixteen years.

(3) Limits the employment of children to eight hours per day.

(4) Requires an educational test consisting of an ability to read and write legibly simple sentences, and provides that in the absence of such ability the child must go to night school if he wishes to be employed.

(5) Prohibits the employment of minors under the age of sixteen years in any occupation which may be considered hazardous or dangerous to the child, or which may injure its health or morals, and the law specifically prescribes what are considered hazardous and dangerous employments.

(6) It makes it unlawful for an employer to employ children under sixteen years of age in any place of amusement where intoxicating liquors are sold.

(7) It prohibits the employment of children under sixteen years of age on the theatrical stage after seven o'clock at night.

(8) It abolishes the notary public affidavit as means of procuring employment for children under sixteen.

(9) Provides that a fine of $5.00 to $25.00 be imposed upon any parent who permits a child to be employed contrary to the pro-

visions of the law, and that a fine of $5.00 to $100.00 be imposed upon any employer violating the law, such employer to stand committed until such fine and costs are paid. This, in brief, is the Illinois Child Labor Law.

What were the conditions in 1902, previous to the enactment of this law, and what are the conditions to-day?

	Inspections.	Total Employees.	Children.	Per cent. of Children to total Employees.
1908	84,997	720,203	9,925	1.3
1902	19,535	511,902	19,225	3.7
Increase	65,462	208,301		
Decrease			9,300	Child labor reduced over 52 per cent.

The following industries in Chicago show a remarkable decrease since 1902:

Industry	Children Employed 1902.	1908.	Percentage Decrease.
Glass	360	37	90
Bakeries	232	56	75
Cigars and cigarettes	167	28	88
Clothing	2641	1504	45
Paper box and bag.....	606	177	68
Laundry	280	59	80
Confections	434	147	66
Wood working	1474	374	75
Leather goods	468	41	89

It is interesting to know what the reduction in child labor has been in some of the different stores and factories in Chicago, and your attention is called to the following:

Name.	Children Employed 1901.	1908.
Boston Store	275	173
The Fair	500	420
Marshall Field & Co.....	227	152
A. M. Rothschild & Co.....	237	119
F. W. Rueckheim (candy factory)	181	95
National Biscuit Co.	304	3
American Can Co.	135	32
Swift and Company	86	45
Nelson Morris & Co.....	89	27
Libby-McNeil & Libby	74	0
Armour and Company	160	45

So much for Chicago. Now we will look to the territory outside of the city of Chicago and Cook County. To give an illustration of the reduction in child labor in the glass factories in Illinois I refer to the following: Illinois Glass Company, Alton, employed 377 children under the age of sixteen in 1901; to-day they employ 73. Adolphus Busch Glass Company, Belleville, employed 109 in 1901, and now employ eighty-two. Streator Bottle and Glass Company have ten children under sixteen in their employ now, while in 1901 there were 257. American Bottle Company, Streator, employ two children to-day, and in 1901 there were fifteen. Headly Glass Company, of Danville, now employ ten, and in 1904 they employed thirty. The above statistics are but a few of the many good results brought about through the enforcement of the law. In 1893 the percentage of children employed in Illinois was 8.2; the percentage has been reduced to 1.3. We make the statement, and we make it advisedly, that we have the lowest percentage of child labor of any state in the Union. In making this statement, I include not only factories and workshops, but every other character of places of employment, above and beneath the ground.

Child labor has been driven from the coal mines of Illinois. This was accomplished by my interpretation of the clause of the law governing hazardous employment—an interpretation that was combatted by the Coal Operators' Association. A test case was subsequently brought in the courts, in which I was sustained, and as a result 2,200 children were emancipated from a life of underground servitude. Consequently to-day no child under the age of sixteen can work in a coal mine in Illinois.

These results could not have been achieved if our efforts had been confined to moral suasion. Persuasion is a divine and beautiful thing, but the enforced law, with a penalty attached, is more effective, as you will see by the comparison of figures, as follows:

In 1893, the year the first child labor law was in force, it having taken effect July 1, of that year, there were 2,452 inspections, and of this number there were thirty-nine prosecutions for violation of the law.

In 1901, the year I took office, there were 18,913 inspections, or an increase of 16,461 over the year 1893, which is 87 per cent. Of this number there were 719 prosecutions, or an increase in prosecutions of 94 per cent.

In 1908 there were 84,997 inspections, or an increase over 1901 of 66,084, which is 77 per cent. The number of prosecutions for 1908 were 473, which is a decrease of 34 per cent. in prosecutions.

Thus our statistics show that, while our inspections have greatly increased, only 473 of this number (84,997) have been prosecuted, which demonstrates that employers are becoming educated and are complying with the law's requirements. Consequently, the law has been effective and has been of great protection to the children of our state. In 1901 there were forty-one children employed to every 1,000 employees; in 1908 there were thirteen children to every 1,000 employees.

Ours is the only department which has been able to report, during the past five or six years, the actual percentage of the children at work, because the Illinois Department of Factory Inspection covers every character of establishment in the state.

Perhaps the greatest benefit of the many achieved by the present law, is the effective prohibition against the employment of minors under the age of fourteen years. Under the old law thousands of small children were employed in the various industrial plants throughout the state, which employment defied the very laws of nature, and robbed these little ones of their birthright of childhood, while more fortunate children were enjoying the advantages of good homes, wholesome surroundings and careful nurture and education. Thousands of these little victims of child labor were daily offered as a sacrifice, either to the greed of the employer, or to the ignorance and inhumanity of their parents. Furthermore, many under the age of fourteen years were not only employed during the day, but hundreds were ofttimes compelled to work all night in glass factories and foundries and similar institutions, wearing away their young lives before the hot glare of furnaces and stunting their growth by the unnatural influences under which they were obliged to live and labor.

An enlightened conscience demanded, and obtained, the provision of the new law, providing that children between the ages of fourteen and sixteen years should not be permitted to work between the hours of seven o'clock p. m. and seven o'clock a. m.

The statute also recognized the justice of the claim of all friends of child labor legislation, that if eight hours was long enough for a man to work, it should also be long enough for a child

to work—at least, at arduous and incessant toil—which is the third important provision of the child labor law. The eight-hour clause of our law applies to every day and every month of the year. Some states permit the employment of children, without limit as to hours, but we protest that, as has been done in Illinois, childhood should be protected at *all* seasons—that the need of the child is greater than the exigency of the business. The child life is a consideration immeasurably more important than commercial gain brought about by the sacrifice of the child's life, health, morals and happiness.

The present child labor law, in force since July 1, 1903, strictly prohibits the employment of a boy or girl between the ages of fourteen and sixteen, at any occupation whatsoever, for more than eight hours a day.

Through my experience as the chief officer in enforcing the old, as well as the present law, I am somewhat inclined to believe that the interest of the minor could best be conserved if, in some of the lighter occupations, in which the work is not of a burdensome nature, the limitation on the hours might be changed, if the changing of the law could be made without affecting the constitutionality of the eight-hour provision.

There is great need of uniform laws governing child labor in the various states, not only for the better protection of children, but for the purpose of preventing the manufacturer in one state from having the advantage over a competitor in another state, because the laws governing child labor are different in the respective states. At present we have a diversity of laws. There is no uniformity of age limit, required number of weeks in school attendance, proof of age and educational test. There is also a lack in many states of that great spirit of humanity and benevolence that should place a restriction upon the hours of labor of children, and upon the employment of juvenile wage earners in hazardous vocations.

No child—native or foreign-born—should be permitted to go to work unless it is able to read and write in the English language, and can pass a reasonable educational test.

In the enactment of all child labor laws, employment should be prohibitive for any girl under the age of sixteen in any vocation where she is compelled to remain standing. The employment of minors at night should be absolutely prohibited.

The employment of children in theatres should be regulated,

and no girl under the age of eighten years should be permitted to be employed as a chorus girl, and no boy or girl under the age of eighteen years should be permitted to perform or be employed in any capacity in a concert hall, or place of amusement where intoxicating liquors are sold.

Factory inspectors should be endowed with greater police power. There are many establishments where employers are defiant, others who seek to evade the law on technicalities, and frequently the inspector will find a boy or girl employed at occupations where their lives and limbs are in danger, or where the child's health may be injured, and not infrequently we find them employed in places where their morals might be destroyed.

In all such instances the factory inspector should have authority to immediately remove the child from employment. And as the purposes of the law are constantly being defeated, because of the inability of the inspector to disprove the statement of the child and the employer that the child is of an age beyond the application of the law, it is essential that the statutes should provide that, in cases where dispute arises regarding the true age of a child found employed contrary to the law's provisions, the burden of proof of age should rest on the parent and on the employer, and not on the state. The employed should be required to prove the child of age, rather than the inspector to prove the child is under age.

It was but natural, in preparing the draft of the Illinois Child Labor Law, that its provisions should be made specially applicable to the employer of child labor; but in the desire to reach such employers who were the chief offenders, the disposition on the part of the parent and the child to evade the law and secure employment for the child, with its consequent income for the family, was in a large measure overlooked.

The result has been, that in a surprisingly great number of cases, which have come under my observation, many well-meaning employers have suffered injustice through the connivance of the parent with the child, in representing the child's age as sixteen, or above, when such child was under sixteen. Frequently the employer has been subjected to the penalties of the law, which should have been visited upon the conniving parent. It would be well if the child labor law could be so amended that it would protect the honest employer of labor, as well as the helpless children who are employed.

Under the present law, when a child signs an application for the purpose of securing employment, and states that he is sixteen years of age, and in many instances the parent indorses the statement, the employer has no legal means of protection. He has but few reliable means of ascertaining the correct age of the child, should he doubt the child's statement.

Unscrupulous parents have discovered this weakness in the law, and have taken advantage of it, to the injustice of the employer, deceiving him with regard to the child's age, with the result that the employer has been prosecuted, while the party guilty of an intentional violation of the law, the child, parent, guardian or custodian, has too often escaped. I have given this matter much thought, because I feel it is one of the most serious objections that can be properly raised regarding the present law, in its practical operation.

I am of the opinion that it would be well to amend the present child labor law, so that the well-meaning employer might protect himself against the cupidity of the child, its parent, guardian or custodian. There are numerous ways in which the law could be amended so as to accomplish this purpose. If the law were amended so as to require parents, guardians, or custodians of children, between the ages of sixteen and seventeen years, who are seeking employment, to secure a certificate as to the child's age before a Court of Record, we should have greatly improved the existing conditions.

Courts of Record exist in every county in the State, and there ought to be no reason why this plan could not be made to work admirably. The law should further provide that if the employer demands, and obtains of the child, a certificate from the Court of Record, certifying that the child is of the required age, and it later develops that the child is not of legal age, the employer shall not be held responsible or guilty of a violation of the law, but that the parent, guardian or custodian of such child, who files his application in the Court of Record for such certificate, and who furnishes the evidence of age upon which the certificate is issued, shall be deemed guilty of contempt of court; and that such parent, guardian or custodian may be summarily punished by the court by severe censure, fine or imprisonment, as for contempt of court. If such an amendment were secured and put in operation, and the courts

should vigorously enforce this provision, and punish the offending parents, guardians or custodians, either by censure, the imposition of a fine or light imprisonment, the practice of defying the purpose of the law, through the false statement of the child's age, would soon cease.

When, without the knowledge of the parent, guardian or custodian, a child misrepresents its age, in order to secure employment, I believe such child should be cited before the Juvenile or County Court, for correction and punishment, as the court may decide.

It is my opinion that every foreigner who has children should be compelled, upon arriving at our shores, to give the names and ages of all the children belonging to, or in the custody of, such immigrant, and that such immigrant should furnish to the immigration officer, proper birth records or other satisfactory evidence of the age of said children or dependents, and such immigrant should be obliged to secure from said immigration officer a proper certificate, testifying to such registration, which certificate should be kept by said immigrant at all times, as an evidence of his compliance with the Federal regulations.

One serious limitation in the scope of the Illinois Child Labor Law is its inapplicability to newsboys and girls, and other juvenile merchants who live in our streets. Our law does not apply to newsboys, because the courts hold that they are merchants in their own right. While I thoroughly believe that these street gamins are every bit as worthy of our most solicitous attention as are the children employed in the factories, I believe they should be given proper protection through the passage of a special statute covering the entire matter.

Laws of this kind have already been passed in some states, and I have prepared and presented to the last two sessions of our General Assembly a bill calculated to protect this class of child labor, but because of complicated difficulties at the time of the introduction of the bills, they have thus far failed of passage.

There has been criticism, not altogether without merit, that the legal limit in the employment of children should be based on the educational qualifications and physical fitness, rather than upon an arbitrary age. My experience has shown me that many firms who do not employ children under the age of sixteen years, employ them as soon as they become sixteen years of age, and such chil-

dren are then started at learning a trade as a common apprentice. Some change might be made as to certain classes of children above the age of fifteen years, qualified by a proper preliminary education and general physical fitness, so that they might be permitted to enter upon a proper apprenticeship, certain limitations applying, and learn a trade, though they might be within the arbitrary age limit now prescribed. In other words, children are not all alike as to physical and educational qualifications, or as to circumstances of life, and some account should be taken of these differences.